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OFFICE OF PETITIONS

ON PETITION

In re Application of
Suetsugu et al.
Application No. 10/664,355
Filed: September 17, 2003
Title of Invention: Negative Type Resist
Composition

This is a decision on the petition under 37 CFR §1.137(b), filed October 29, 2007:

This above-identified application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office Action of February 8, 2006. The final Office Action set a three (3) month shortened statutory period for reply. An amendment was filed on May 8, 2006. An advisory action was mailed on May 26, 2006, informing applicant that the May 8, 2006 amendment failed to place the application in condition for allowance. A second amendment after final Office action and two month extension of time were filed on July 10, 2006. This application was held abandoned on July 9, 2006. A Notice of Abandonment was mailed on May 23, 2007. A petition filed under 1.181 was dismissed on August 27, 2007.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an RCE and amendment (2) the petition fee of \$1540.00, and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The Request for Continued Examination (RCE), and the amendment submitted with the instant petition will be forwarded to Art Unit 1752 for appropriate action by the Examiner in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a prominent initial "C" and a stylized "G".

Charlema R. Grant

Petitions Attorney

Office of Petitions